IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

OP.No. 36653 of 2002(L)

PETITIONER:

MATHEW M. NETTADY, 47 YEARS,
PWD CONTRACTOR, S/O. MATHEW, PARICKAPILLY HOUSE,
KALAMBOOR KARA, PIRAVOM VILLAGE,
MOOVATTUPUZHA TALUK.

BY ADV. SRI.V.K.ISSAC
SRI.K.K.APPU
SRI.ISAC SANJAY

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
SECRETARY, PUBLIC WORKS DEPARTMENT,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SUPERINTENDING ENGINEER,
KERALA PWD (ROADS & BRIDGES) CENTRAL
CIRCLE, ALUVA, PIN-683 101.

3. THE EXECUTIVE ENGINEER,
KERALA PWD ROADS DIVISION, ERNAKULAM,
KAKKANAD P.O., PIN-682 030.

BY SPL. GOVERNMENT PLEADER SRI MOHAMMED FAZIL M.P.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO.61697/02 IN OP 36653/02 L

DISMISSED

14.12.2007 SD/- K. M. JOSEPH, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE LETTER DBA-1075/97 DT. 13.6.2000.

EXT.P2 TRUE COPY OF LETTER NO. DBA-1075/97 DT. 8/2000.

EXT.P3 TRUE COPY OF LETTER FROM THE FEDERAL BANK LTD. DT. 9.7.2002.

EXT.P4 TRUE COPY OF PETITIONER'S LETTER DT. 29.8.2002.

EXT.P5 TRUE COPY OF THE RELEVANT PORTION OF THE CONDITIONS OF CONTRACTS FORMING PART OF THE AGREEMENT IS PRODUCED.

EXT.P6 TRUE COPY OF THE JUDGMENT DATED 9.4.02 IN OP NO.5307/2002.

EXT.P7 TRUE COPY OF THE JUDGMENT DATED 23.10.2002 IN OP NO.27307/02 A.

RESPONDENTS' EXHIBITS: NIL.

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

O.P.NO. 36653 OF 2002 L

Dated this the 14th December, 2007

JUDGMENT

Petitioner, who is a PWD Contractor, has approached this Court for a direction to the respondents to effect payment of the admitted bills with quarterly interest at the rate of 17-1/2 per cent. Learned Government Pleader submits that the entire amounts as per the admitted bills have been paid to the petitioner on 18.8.2007. In such circumstances, I do not think that the claim of the petitioner for interest shall be adjudicated in these proceedings. I leave open the question of interest and it is for the petitioner to work out his remedies before the appropriate Forum.

The Original Petition is disposed of as above.

K. M. JOSEPH, JUDGE

kbk.

K. M. JOSEPH, J.

OP 36653/02 L

JUDGMENT

14th December, 2007.